

1 THE HONORABLE THOMAS O. RICE

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7 *Attorney for Defendants*

9 IN UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 BRIAN TACKETT,

12 Plaintiff,

13 vs.

14 PROVIDENCE SACRED HEART
15 MEDICAL CENTER, KAVITHA
16 CHAGANUR, MD,

17 Defendants.

18 Cause No. 2:24-cv-00262-TOR

19 DEFENDANT PROVIDENCE
20 SACRED HEART MEDICAL
21 CENTER AND KAVITHA
22 CHAGANUR, M.D.'S
23 RESPONSE TO PLAINTIFF'S
24 REQUEST FOR CLERK'S
25 ENTRY OF DEFAULT [ECF
26 NO. 135]

27 AND PLAINTIFF'S MOTION
28 FOR DEFAULT JUDGMENT
29 [ECF NO. 136]

30 COME NOW Defendants, Providence Sacred Heart Medical Center and
Kavitha Chaganur, MD, by and through the undersigned counsel of the law firm

DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST
FOR DEFAULT AND MOTION FOR DEFAULT JUDGMENT
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1 Evans, Craven, & Lackie, P.S., and in response to Plaintiff's Motion for Default
 2 Judgment, states the following:

3 1. Plaintiff's Motion is moot. Defendants' Answer was filed and served
 4 on December 26, 2024. *See, ECF No. 137.* Accordingly, default and default
 5 judgment are inapplicable and would be improper.

6 2. In addition to the fact that Plaintiff's Motion is moot, Plaintiff failed
 7 to comply with LR 55(a) as to his Motion for Default in the following respects:

8 a. Failing to comply with the "two-step process" by first obtaining entry
 9 of default. No default has been entered against Defendant.

10 b. Failing to give fourteen days written notice of his intention to move
 11 for entry of default. LR 55(a)(1).

12 c. Failing to provide evidence of such written notice by sworn affidavit.

13 LR 55(a)(2).

14 All of the foregoing grounds require denial of Plaintiff's Motion.

15 3. In addition to the foregoing, Plaintiff failed to comply with LR 55(b)
 16 as to his Motion for Default Judgment in the following respects:

17 a. Failing to first secure a default against Defendant. LR 55(b) ("No
 18 motion for judgment by default shall be filed unless an order of

1 default has been entered by the clerk"). At no time prior to Plaintiff's
2 Motion did the court clerk enter an Order of Default. Accordingly,
3 Plaintiff's Motion is improper.
4

- 5 b. Failing to file an affidavit in accordance with LR 55(b)(1), setting
6 forth the status of the Defendant (Sections a and b).
7
8 c. Failing to note the issue for hearing. LR. 55(b)(2).

9
10 All of the foregoing reasons warrant denial of Plaintiff's Motion for Default
11 Judgment.
12

13 DATED this 26th day of December, 2024.

14 EVANS, CRAVEN & LACKIE, P.S.
15 By: */s/ Markus W. Louvier*
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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Plaintiff, Pro Se

Brian Tackett
POB 448
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/s/

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